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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,654	09/30/2003	Jeyhan Karaoguz	14282US02	5801
23446	7590	10/05/2009	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				CHRISTENSEN, SCOTT B
ART UNIT		PAPER NUMBER		
2444				
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10/05/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **ADVISORY ACTION**

1. This Advisory Action is in regards to the most recent papers filed on 9/15/2009.

### ***Response to Arguments***

2. Applicant's arguments filed 9/15/2009 have been fully considered but they are not persuasive.
3. On pages 16-19, Applicant argues that the rejection of claim 1 under 35 USC 103 does not properly address, "...without user intervention, initiating detection..."

It is noted that the instant claim only requires that the initiation of the detection is without user intervention, but provides no detail on how the detection is initiated.

In the case of the instant rejection, the rejection relies on the concept of a "persistent query." A persistent query, as recognized by a person of ordinary skill in the art, is one where a query is initiated in such a way as to periodically execute the query. While the persistent query, itself, may be initiated by a user, each subsequent execution of the query is performed "automatically and without user intervention" until a certain condition is met to halt the persistent query, which may include a certain amount of time passing, or the item being found.

Thus, in the instant rejection, while the persistent query, itself, is user initiated, each execution of the persistent query after it is initiated is not user initiated, but rather is initiated automatically and without user intervention, where each execution of the persistent query results in the initiation of the detection and the detecting of the media, data, and/or service.

If Applicant intends for the detection to be initiated in a certain manner, Applicant should amend the claim to disclose how the detection is initiated. In the meantime, for the above reasons, the rejection of claim 1 has been maintained. Further, as Applicant's remaining arguments presented on pages 19-21 appear to rely on the infallibility of the arguments presented with respect to claim 1, the rejection of claims 1-42 have been maintained for substantially similar reasons.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./  
Examiner, Art Unit 2444

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444